

REMARKS

Claims 1, 2, 7 to 38, and 40 to 49 remain pending. Claims 5 and 6 have been cancelled.

Attorney Ruggiero wishes to thank Examiner Kishore for the courtesies extended to Attorneys Charles Zeller and J. Robert Dean and Inventor Anthony Gonzalez during the telephone interview of October 6, 2005.

Claims 1, 2, 1(?), 23, 24, 37 to 47, 49, and 50 have been rejected under 35 U.S.C. 103(a) as being unpatentable over EP 1136064A2 (Anderson) and further in view of U.S. Patent No. 6,355,264 B1 (Garrison et al.). The Action stated that the polymers disclosed in Anderson meet the requirements of the instant claims. The Action further stated that Anderson discloses a hybrid silicone having a silicone rubber and a silicone resin. The Action still further stated that Garrison et al. was combined for its disclosure of a volatile silicone.

The recitation of rejected claims in the sole rejection (see above) in the Action did not recite all of the pending claims. Notably, claims 5 to 21 were not recited. Further, claims 39 and 50 were indicated as rejected but were in fact previously cancelled. The recitation of rejected claims appears to have an error between 1-2 and 23-24. For purposes of analysis, Applicants will consider this to be a typographical or otherwise inadvertent error and will argue patentability for all of the pending claims that remain uncanceled or non-withdrawn.

During the interview, Examiner Kishore indicated that independent claim 1 should be allowable if the limitation of

claim 6, which relates to type of hybrid silicone powder, was inserted into it. Accordingly, such additional limitation has been entered into claim 1. Further accordingly, analogous limitations have been inserted into independent claims 23, 37, and 49.

Independent claims 1, 23, 37, and 49 patentably distinguish over the disclosure of the combination of Anderson and Garrison et al. because it does not disclose the following: 1) a vinyl dimethicone/methicone silsesquioxane crosspolymer; 2) hybrid silicone powder having silicone rubber powder particles and a silicone resin chemically bound to the surfaces of said particles; 3) a matrix formed of the hybrid silicone powder and a volatile silicone, and 4) entrapment of a hydrophobic active ingredient within the matrix.

Vinyl dimethicone/methicone silsesquioxane crosspolymer is a recognized INCI name. The INCI name is set forth in a monograph in the International Cosmetic Ingredient Dictionary and Handbook, 9th ed., vol. 2, p. 1786 (attached). The preferred vinyl dimethicone/methicone silsesquioxane crosspolymer, KSP 101 (Shinetsu Silicones), disclosed at page 8, lines 22 and 23 of the specification, is listed in the monograph.

The structure of the hybrid silicone powder is discussed in considerable detail at page 12 of the Amendment mailed February 28, 2005 as well as in the specification at page 8. Neither Anderson nor Garrison et al. discloses a hybrid silicone powder having silicone rubber powder particles and a silicone resin chemically bound to the surfaces of said particles.

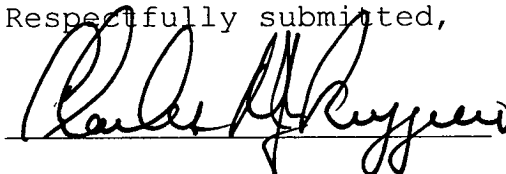
The matrix is formed by addition of the volatile silicone fluid with the hybrid silicone powder. The hybrid silicone

powder swells into a crosslinked hybrid silicone powder matrix that entraps any hydrophobic active(s) added to the hybrid silicone powder. The matrix assumes the form of a gel or oil rather than a powder. Formation of the matrix is disclosed in the specification at page 9, lines 13 to 25 and page 12, lines 1 to 20. Entrapment of the hydrophobic active(s) in the matrix provides a means of controlled delivery of the active without encapsulation. Entrapment and delivery of the active is disclosed in the specification at page 13, lines 6 to 13 and page 15, lines 10 to 25.

Reconsideration of claims 1, 2, 7 to 38, and 40 to 49 is deemed warranted in view of the foregoing, and allowance of said claims is earnestly solicited.

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Respectfully submitted,



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Vinegar (Cont.)

27CFR21.56, 27CFR21.62, 27CFR21.132,
27CFR21.141, 27CFR21.151

Chemical Class: Biological Products

Function: pH Adjuster

Reported Product Category: Shampoos
(Non-coloring)

Technical/Other Name:
Acetum (EU)

Trade Name Mixture:
Nutriplant (Bio-Botanica)

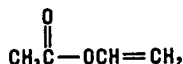
VINYL ACETATE

CAS No. EINECS No.
108-05-4 203-545-4

Empirical Formula:



Definition: Vinyl Acetate is the unsaturated ester that conforms to the formula:



Information Sources: 21CFR172.892,
MI-12(10130), TSCA

Chemical Class: Esters

Function: Film Former

Technical/Other Names:
Acetic Acid, Ethenyl Ester
Ethenyl Acetate

VINYLAMINE/VINYL ALCOHOL COPOLYMER

CAS No.: 29499-22-7

Definition: Vinylamine/Vinyl Alcohol Copolymer is a copolymer of vinylamine and vinyl alcohol monomers.

Chemical Class: Synthetic Polymers

Functions: Film Former; Hair Fixative

Technical/Other Name:
Ethenol, Polymer with Ethenamine

Trade Name:
Diafix C-601 (Mitsubishi Chemical America)

VINYL CAPROLACTAM/VP/DIMETHYL-AMINOETHYL METHACRYLATE COPOLYMER

Definition: Vinyl Caprolactam/VP/Dimethyl-aminoethyl Methacrylate Copolymer is a copolymer of vinylcaprolactam, vinylpyrrolidone and Dimethylaminoethyl Methacrylate (q.v.) monomers.

Information Sources: CIR: [SQ]

Chemical Class: Synthetic Polymers

Functions: Film Former; Hair Fixative

Reported Product Categories: Hair Preparations (Non-coloring), Misc.; Tonics, Dressings, and Other Hair Grooming Aids

Technical/Other Name:
Vinyl Caprolactam/PVP/Dimethylaminoethyl Methacrylate Copolymer

Trade Names:
Copolymer VC-713 (International Specialty Products)
Gaffix VC-713 (International Specialty Products)
H2OLD EP-1 (International Specialty Products)

VINYL CHLORIDE/VINYL LAURATE COPOLYMER

Definition: Vinyl Chloride/Vinyl Laurate Copolymer is a copolymer of vinyl chloride and vinyl laurate monomers.

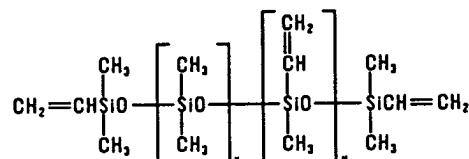
Chemical Class: Synthetic Polymers

Function: Film Former

Trade Name Mixture:
Vinnapas B 100/20VLE (Wacker-Chemie)

VINYL DIMETHICONE

Definition: Vinyl Dimethicone is a polymer of dimethylsiloxane containing vinyl functional groups. It conforms generally to the formula:



Information Sources: CIR: [S]

Chemical Class: Siloxanes and Silanes

Function: Not Reported

Technical/Other Name:
Dimethicone, Vinyl Functional

VINYL DIMETHICONE/METHICONE SILSESQUIOXANE CROSSPOLYMER

Definition: Vinyl Dimethicone/Methicone Silsesquioxane Crosspolymer is a copolymer of methicone silsesquioxane crosslinked with vinyl dimethylpolysiloxane.

Chemical Classes: Siloxanes and Silanes;
Synthetic Polymers

Function: Viscosity Increasing Agent -
Nonaqueous

Trade Names:
KSP-100 (Shin Etsu)
KSP-101 (Shin Etsu)
KSP-102 (Shin Etsu)
KSP-103 (Shin Etsu)
KSP-104 (Shin Etsu)
KSP-105 (Shin Etsu)

VIOLA ODORATA

Definition: See "Regulatory and Ingredient Use Information," regarding EU labeling names for botanical ingredients in Volume 1, Introduction, Part A.

Chemical Class: Biological Products

Technical/Other Names:
Viola Odorata Extract (U.S.)
Viola Odorata Leaf Wax (U.S.)
Viola Odorata Oil (U.S.)

VIOLA ODORATA EXTRACT

CAS No. EINECS No.
90147-36-7 290-427-0

Definition: Viola Odorata Extract is an extract of the flowers and leaves of the sweet violet, *Viola odorata*. See "Regulatory and Ingredient Use Information," regarding the labeling names for botanical ingredients in Volume 1, Introduction, Part A.

Chemical Class: Biological Products

Function: Skin-Conditioning Agent -
Miscellaneous

Technical/Other Names:
Extract of Sweet Violet
Extract of Viola Odorata
Sweet Violet Extract
Sweet Violet (*Viola Odorata*) Extract
Viola Odorata (EU)

Trade Name Mixtures:
Actiphyte of Violet (Active Organics)
Actiphyte of Violet BG50 (Active Organics)
Actiphyte of Violet GL50 (Active Organics)
Actiphyte of Violet Lipo S (Active Organics)
Actiphyte of Violet PG50 (Active Organics)
Aromaphyte of Violet (Active Organics)
Violet Extract HS 2482 G (Grau)
Violet HS (Alban Muller)
VT-144 Extract of Violet (Vege-Tech)

VIOLA ODORATA LEAF WAX

Definition: Viola Odorata Leaf Wax is a wax obtained from the leaves of *Viola odorata*. See "Regulatory and Ingredient Use Information,"

The inclusion of any compound in the *Dictionary and Handbook* does not indicate that use of that substance as a cosmetic ingredient complies with the laws and regulations governing such use in the United States or any other country.